Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 29, 1995

Mr. Leonard W. Peck, Jr.
Assistant General Counsel
Legal Affairs Division
Texas Department of Criminal Justice
P.O. Box 99
Huntsville, Texas 77342-0099

OR95-156

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 29810.

The Pardons and Paroles Division of the Texas Department of Criminal Justice (the "department") received an open records request from a department employee for a copy of a "Table Top Audit" the department conducted regarding the employee's job description. You explain that the purpose of the audit is to correctly classify the employee's position vis-à-vis other positions for purposes of job classification and salary. You state that the department is releasing to the requestor the "objective" portions of the audit, including an analysis of his and others' job duties.[1] You seek to withhold, however, all "advice, opinion, and recommendation" contained in the audit pursuant to section 552.111 of the Government Code.

Section 552.111 of the Government Code excepts interagency and intra-agency memoranda and letters, but only to the extent that they contain advice, opinion, or recommendation intended for use in the entity's policymaking process. Open Records Decision No. 615 (1993) at 5. The purpose of this section is "to protect from public

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[1]You have withheld, however, the social security numbers of department employees, which are made confidential by section 552.117(2) of the Government Code.
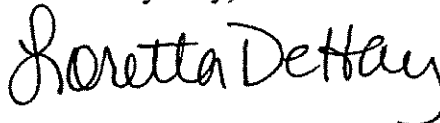
disclosure advice and opinions *on policy matters* and to encourage frank and open discussion within the agency in connection with its decision-making processes." *Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.--San Antonio 1982, writ ref'd n.r.e.) (emphasis added). In Open Records Decision No. 615 (1993) at 5, this office concluded that

> to come within the [section 552.111] exception, information must be related to the *policymaking* functions of the governmental body. An agency's policymaking functions do not encompass routine internal administrative and personnel matters . . . .

You contend that the records at issue come under the protection of section 552.111 because they "*reflect the deliberative processes of [the department] as policy is formed,* in this case policy about how jobs should be classified" and therefore the records are "narrowly connected" to the department's policymaking function. We disagree. For information to come within the protection of section 552.111, it *must directly relate to the* governmental body's policy mission; an agency's policymaking functions do not encompass information that pertains solely to internal administrative or personnel matters. Open Records Decision No. 631 (1994) at 3. The information at issue here clearly pertains solely to the internal administrative matter of equitable job classifications and does not touch upon the mission objectives of the department. Accordingly, none of the requested information is excepted from public disclosure by section 552.111. The department therefore must release the requested records in their entirety except for any information made confidential by section 552.117 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/RWP/rho

Ref.: ID# 29810

Enclosures: Submitted documents

cc: Mr. Charles Speier
       Contract Monitor/Community Services
       Central Regional Office
       419 South Main Avenue, Suite 309
       San Antonio, Texas 78204
       (w/o enclosures)